



FEDERAL LAW ENFORCEMENT
WIRELESS USERS GROUP
WASHINGTON, D.C.



EX PARTE OR LATE FILED June 16, 1998

DOCKET FILE COPY ORIGINAL

By Hand Delivery

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED

JUN 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket No. 96-86 (rel. October 24, 1994).

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is to advise the Federal Communications Commission (Commission), that in connection with the above-referenced rulemaking proceeding, that the Federal Law Enforcement Wireless Users Group (FLEWUG) met with Commission staff and discussed the development of operational, technical and spectrum requirements for meeting federal, state and local public safety agency communication requirements. Mr. Marv Storey, U.S. Department of Agriculture; Mr. Dick Allen, Federal Bureau of Investigation; Mr. Rick Murphy, Department of the Interior; Mr. Rob Zanger, Department of Justice; Mr. Michael McMenamin, Booz-Allen & Hamilton; Mr. Tony Soong, Booz-Allen & Hamilton; and I, met with Mr. Daniel Phythyon, Ms. D'wana Terry, and Ms. Kathryn Hosford of the Wireless Telecommunications Bureau. The FLEWUG is filing this ex parte letter in order to summarize the substance of its June 15, 1998 meeting with Commission staff.

The FLEWUG's oral ex parte presentation focused on the importance of interoperability among federal, state, and local public safety entities. The FLEWUG includes all federal agencies that perform public safety functions and is inclusive of organizations and functions beyond law enforcement (with the exception of the Department of Defense). Throughout the meeting, the FLEWUG substantiated its positions using real-life examples to describe the inadequate state of interoperable communications among all levels of government.

The FLEWUG opened the meeting with a brief discussion of recent FLEWUG filings at the FCC. During this discussion, the FLEWUG strongly advocated its support for shared systems that support local, state, and federal public safety communications. The FLEWUG also acknowledged that the number of requests for shared systems involving local, state, and federal public safety entities is likely to increase in the future.

No. of Copies rec'd
List A B C D E

021

The FLEWUG expressed its positions regarding the service rules for the newly re-allocated public safety spectrum (i.e., 764-776/794-806 MHz). The FLEWUG stressed that interoperability spectrum should provide frequencies for both first responder scene of action and also day-to-day interoperability needs, such as mutual aid operations and task force operations. The FLEWUG urged the FCC to allow direct licensing of interoperability spectrum to public safety entities at all levels of government because the need for interoperability exists among the federal, state, and local levels. The FLEWUG further stated that it is not advocating direct licensing of general use spectrum to federal agencies; however, the FLEWUG is requesting equal access to the general use spectrum for shared systems among the public safety community. The FLEWUG stressed that it is not interested in obtaining this spectrum strictly for federal use or to support federal-only systems. Rather, the FLEWUG advocates partnerships with state and local agencies on shared systems where applicable.

The FLEWUG also expressed its concern that federal eligibility for licensing interoperability spectrum and gaining access to general use spectrum is limited by the Commission's proposed definition of public safety. Thus, the FLEWUG expressed its support for the adoption of the PSWAC definition of public safety, which includes the federal public safety community. This is necessary to allow federal licensing of the interoperability spectrum and to enable federal access to the general use spectrum for shared systems operation.

The FLEWUG stated its support for a national coordination body to oversee the entire 764-776/794-806 MHz band, provided that two agendas exist: one for interoperability, the other for general use. It is only through two separate agendas that the appropriate attention may be given to both interoperability communications and general use communications. The FLEWUG also acknowledged the Commission's short time frame to meet its September 30, 1998 deadline to assign spectrum in the 764-776/794-806 MHz band. However, the FLEWUG feels that it is premature to adopt a specific channel allocation plan. In the event that a channel allocation plan is adopted in the near future, the FLEWUG urged the Commission to consider the use of future technologies when adopting the channel allocation plan. Specifically, the FLEWUG believes that a portion of the 764-776/794-806 MHz band should be reserved for future wireless technologies. Such an allocation would enable the public safety community to benefit from the use of future technologies.

The FLEWUG reiterated the need for the adoption of receiver standards. Receiver standards are becoming more important with increased radio use and as channel bandwidths migrate to 12.5 kHz. The FLEWUG also expressed its support for the adoption of a digital standard for the interoperability spectrum. The FLEWUG believes that without such a standard the interoperability spectrum would not promote seamless communications.

In closing, the FLEWUG expressed the need for additional public safety spectrum allocations to achieve the 97.5 MHz recommended by the PSWAC. The FLEWUG also discussed the need for 2.5 MHz of interoperability spectrum below 512 MHz. The FLEWUG stressed that this 2.5 MHz of interoperability spectrum is in addition to the interoperability spectrum to be identified in the 764-776/794-806 MHz band.

In accordance with Section 1.1026(b)(2), the FLEWUG has hereby summarized its ex parte oral presentation of April 28, 1998, to Commission staff regarding the above-referenced proceeding. Any questions regarding this notice should be addressed to the undersigned.

Attached to this ex parte filing is the agenda for the FLEWUG ex parte presentation and a white paper developed to reiterate the FLEWUG positions on certain issues pertaining to WT Docket 96-86.

Sincerely,

A handwritten signature in black ink, reading "James E. Downes". The signature is fluid and cursive, with the first name "James" and last name "Downes" clearly legible.

Mr. James E. Downes
U.S. Department of the Treasury

Enclosure

cc: Mr. Daniel Phythyon
Ms. D'wana Terry
Ms. Kathryn Hosford

Agenda for FLEWUG Ex-Parte Briefing at the FCC
June 15 — 2:00 PM

New Business

- FLEWUG Response to NPTSC Petition
- FLEWUG Response to Central and South West Services Request for Waiver

NPRM 96-86

- I. Eligibility and Definition Issues
 - Licensing in the Interoperability Spectrum
 - Eligibility in the General Service Spectrum
 - Adoption of PSWAC definition of public safety
- II. National and Regional Planning
 - Planning process recommendations for the Interoperability Spectrum
 - Planning process recommendations for the General Service Spectrum
 - Recommendation for channel allocation plans
 - Channel spacing
- III. Technical Issues
 - Adoption of receiver standards
 - Interoperability standards
- IV. Additional Issues
 - The need for additional spectrum allocations to achieve the 97.5 MHz called for by PSWAC
 - The need for 2.5 MHz of interoperability spectrum below 512 MHz

June 16, 1998

FLEWUG Positions on Certain Issues Pertaining to WT Docket Number 96-86

Introduction

1. The Federal Law Enforcement Wireless Users Group (FLEWUG) believes that citizens have a legitimate expectation that when their life, liberty, or property is in danger, public safety will respond. The effectiveness of federal, state, and local public safety agencies are tied to their ability to communicate with each other in a crisis situation, such as the World Trade Center and Oklahoma City bombings. The role of federal agencies particularly in these situations was essential to the emergency response efforts.

Issues

2. The FLEWUG continues to strongly advocate that federal agencies be included in the definition of public safety and public safety service providers. The FLEWUG urges the Commission to adopt the PSWAC definition of public safety, which includes the federal public safety community. This is necessary to allow federal licensing of the interoperability spectrum and to enable federal access to the general use spectrum for shared systems operation.

3. Over the past few years, coordination between local, state, and federal public safety entities has consistently increased because of joint task forces and other coordination efforts. Because of the increased need for coordination, actions must be taken to ensure federal eligibility in the newly reallocated spectrum (e.g., 764-776/794-806 MHz). The FLEWUG realizes that the need for interoperability exists at the local, state, and federal levels. Therefore, the FLEWUG urges the Commission to allow direct licensing of interoperability spectrum to public safety entities at all levels of government.

4. The FLEWUG also supports direct licensing of general use spectrum to state and local agencies; however, the FLEWUG is requesting access to the general use spectrum for means of promoting shared systems among the public safety community. The FLEWUG is not interested in obtaining this spectrum strictly for federal use or to support federal-only systems. Rather, the FLEWUG advocates partnerships with state and local agencies on shared systems where applicable. Under such circumstances, federal agencies would be full partners in the development and operation of the shared system. These partnerships would enable effective use of public safety resources, such as system infrastructure, subscriber units, system maintenance, and frequency spectrum. In addition, federal use of the general use spectrum would only take place where federal agencies are partners on shared systems with state and local public safety agencies. The FLEWUG continually seeks to promote shared systems that support federal, state, and local public safety communications.

5. The FLEWUG supports a national coordination body to oversee the entire 764-776/794-806 MHz band, provided that two agendas exist: one for interoperability, the other for

general use. It is only through two separate agendas that the appropriate attention may be given to both interoperability communications and general use communications. The FLEWUG stresses that the establishment of a national coordinating body would not be an attempt to create additional bureaucracy but rather a higher level of coordination. When dealing with interoperable communications issues, the national coordinating body would focus on issues such as identifying the lowest common denominator for interoperable communications. In regards to the general use communications issues, the national coordination body would focus on the availability of spectrum for general use activities.

6. The FLEWUG realizes the Commission's short time frame to meet its September 30, 1998 deadline to assign spectrum in the 764-776/794-806 MHz band. In addition, the FLEWUG understands that a channel allocation plan must be adopted prior to assigning frequencies. However, the FLEWUG feels that it is premature to adopt a specific channel allocation plan. In the event that a channel allocation plan is adopted in the near future, the FLEWUG urges the Commission to consider the use of future technologies when adopting the channel allocation plan. Specifically, the FLEWUG believes that a portion of the 764-776/794-806 MHz band should be reserved for future wireless technologies. Such an allocation would enable the public safety community to benefit from the use of future technologies.